IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.662 OF 2005

Doshi Dyeing and Printing Works Pvt. Ltd. and others — Petitioners

versus

Bombay Municipal Corpn. & others — Respondents

Shyam Mehta i/by Udwadia & Udeshi for petitioners

S.S.Naphade with Ms.Rekha Tawde i/by M.V.Kini & Co. for respondents 2 and 3.

Ms.P.A.Purandare for respondents 1 and 4.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 24th March 2005

PC :

1. Heard Mr.Mehta in support of this petition and Mr.Naphde for respondents. The case of the petitioners is that the respondents have encroached on to the land of the petitioners. Respondents have filed reply and have stated that all that they have done is to remove the hutments from their own property and after removing the encroachment they are reconstructing the compound wall. Petitioners' case is that while doing so they are encroaching to the land of petitioners.

These are all disputed questions of facts. The proper remedy for the petitioners is to file a suit. We cannot interfere in writ jurisdiction. Petition rejected. Although we are rejecting the petition, it is open for the petitioners to file a suit and raise appropriate contentions.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)